

AMENDED IN SENATE JUNE 26, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 523

Introduced by Assembly Member Negrete McLeod

February 16, 2005

An act to amend Sections 94854, 94920, and 94931 of, and to add Section 94742.2 to, the Education Code, relating to private postsecondary education: *Section 81450 of the Education Code, relating to community colleges.*

LEGISLATIVE COUNSEL'S DIGEST

AB 523, as amended, Negrete McLeod. ~~Private postsecondary institutions: instructors and standards. Community college districts: sale of property.~~

Existing law authorizes the governing board of a community college district to sell for cash, to the highest bidder, any personal property belonging to the district if the property is not required for school purposes, if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for school use.

This bill would specifically authorize the governing board of a community college district to sell, for less than fair market value, a nonprofit educational television station licensed by the Federal Communications Commission (FCC) that the district deems to be surplus property of the district, to a nonprofit organization seeking a nonprofit educational FCC license for the purpose of qualifying for Corporation for Public Broadcasting grants in the public

broadcasting system, if the governing board adopts a resolution, as prescribed.

~~(1) Existing law, the Private Postsecondary and Vocational Education Reform Act of 1989, generally sets minimum standards of instructional quality, ethical and business practices, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions, as defined. The act establishes the Bureau for Private Postsecondary and Vocational Education, which, among other things, is required to review and investigate all institutions, programs, and courses of instruction approved under the act. By its own terms, the act becomes inoperative on July 1, 2007, and is repealed as of January 1, 2008.~~

~~An existing provision of the act requires that, in determining the placement rate of an institution for a particular time period, an institution may count a student who drops out of the program after completing at least 75% of the program because the student has obtained employment that lasts for a period of 60 days in the occupations to which the program of instruction is represented to lead.~~

~~This bill would instead require that the institution could count a student who drops out of the program after completing at least 75% of the program because the student has obtained employment in an occupation included in the Standard Occupational Classifications system that is used on January 1, 2006, by the Bureau of Labor Statistics of the United States Department of Labor.~~

~~(2) An existing provision of the act relating to persons who are qualified to serve as directors of institutions that are under the jurisdiction of the act provides that the sole owner of an institution may serve in the capacity of director for 3 years prior to meeting a requirement that a director have 3 years' experience in an administrative position in a public or state-approved private postsecondary school.~~

~~This bill would specify that this provision refers to a sole owner, as that term is used in the Corporations Code.~~

~~(3) An existing provision of the act requires specified institutions to register with the Bureau for Private Postsecondary and Vocational Education. The provision exempts an educational service that qualifies for registration status and that complies with the article. The provision lists educational services that qualify for registration status including an educational service, as defined by provisions that have been repealed, that is offered to provide short-term seminar training.~~

~~This bill would add to that list an educational service, as defined, that is offered to provide a short-term education program. The bill would also define “short-term seminar training” for those purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 81450 of the Education Code is*
2 *amended to read:*

3 81450. (a) The governing board of ~~any~~ a community college
4 district may sell for cash any personal property belonging to the
5 district if the property is not required for school purposes, ~~or~~ if it
6 should be disposed of for the purpose of replacement, or if it is
7 unsatisfactory or not suitable for school use. There shall be no
8 sale until notice has been given by posting in at least three public
9 places in the district for not less than two weeks, or by
10 publication for at least once a week for a period of not less than
11 two weeks in a newspaper published in the district and having a
12 general circulation there; or, if there is no such newspaper, then
13 in a newspaper having a general circulation in the district; or, if
14 there is no such newspaper, then in a newspaper having a general
15 circulation in a county in which the district or any part thereof is
16 situated. The board shall sell the property to the highest
17 responsible bidder, or shall reject all bids.

18 (b) The governing board may choose to conduct any sale of
19 personal property authorized under this section by means of a
20 public auction conducted by employees of the district or other
21 public agencies, or by contract with a private auction firm. The
22 board may delegate to the district employee responsible for
23 conducting the auction the authority to transfer the personal
24 property to the highest responsible bidder upon completion of the
25 auction and after payment has been received by the district.

26 (c) *Notwithstanding any other provision of this article, the*
27 *governing board of a community college district may sell, for less*
28 *than fair market value, a nonprofit educational television station*
29 *licensed by the Federal Communications Commission that the*
30 *district deems to be surplus property of the district, to a nonprofit*
31 *organization seeking a nonprofit educational Federal*
32 *Communications Commission license for the purpose of*

1 *qualifying for Corporation for Public Broadcasting grants in the*
2 *public broadcasting system, if the governing board adopts a*
3 *resolution stating that the district, for that purpose, will sell or*
4 *transfer such a property, for less than fair market value, to such*
5 *an organization.*

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8 **All matter omitted in this version of the bill**
9 **appears in the bill as amended in**
10 **Assembly, January 4, 2006 (JR11)**
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